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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,938	07/15/1999	LARRY A. WESTERMAN	KLR:7146.046	5777

7590

08/15/2002

CHERNOFF VILHAUER MCCLUNG & STENZEL LLP  
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EXAMINER
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HSIA, SHERRIE Y

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/15/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/354,938

Applicant(s)

WESTERMAN, LARRY A. 

Examiner

Sherrie Hsia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1,6-8,13,14,21,28-31,36-38 and 40-44 is/are rejected.
- 7) ☒ Claim(s) 2-5,9-12,32-35 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “filtering ...threshold flicker energy” claimed in claim 1, “said threshold flicker energy is adjustable by a user of said display” claimed in claims 6 and 20, “the step of adjusting ... filtered adjustment pixel” claimed in claims 7 and 21, “filtering ...threshold flicker contrast” claimed in claim 8, “said threshold flicker contrast is adjustable by a user of said display” claimed in claims 13 and 27, “the step of adjusting ... filtered adjustment pixel” claimed in claims 14 and 28, “identifying ... computing ... selecting ... for said adjustment pixel” claimed in claims 15 and 22, “computing ... comparing ... filtering ... threshold flicker energy” claimed in claim 29, “computing ... comparing ... filtering ... threshold flicker contrast” claimed in claim 30, “the steps of selecting ... applying ... including said adjustment pixel” claimed in claim 31, “said filter is further adjustable by a user of said display” claimed in claim 36, “said filter is further adjustable as a function ... pixel” claimed in claim 37, “the steps of selecting ... applying ... said adjustment pixel” claimed in claim 38, “the steps of selecting ... applying ... said adjustment pixel” claimed in claim 41, and “the steps of selecting ... applying ... including said adjustment pixel” claimed in claim 42 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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2. Claims 1, 8, 15, 20, 22, 31, 38, 41 and 42 are objected to because of the following informalities:

In claims 1 and 8, line 2, "after "comprising", --the step of-- should be inserted.

In claims 15 and 22, line 2, "after "comprising", --the steps of-- should be inserted.

In claim 20, line 1, "contrast" should be --energy--.

In claims 31, 38, 41 and 42, line 4, after "pixel", --, -- should be inserted.

In claim 38, line 5, after "function", --of-- should be inserted.

Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 28-30, 40, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21 and 28 recite the limitation "said filtering" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim 29 recites the limitation "said flicker energy level" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "said flicker contrast level" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "said background pixel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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In claim 43, line 1, the dependency is incorrect, "41" should be --42--.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-8, 13, 14, 31, 36-38, 41 and 42 rejected under 35 U.S.C. 102(e) as being anticipated by Medin.

Medin discloses a method and system for improving image quality on an interlaced video display having the claimed features including filtering an adjustment pixel to reduce a flicker energy or contrast (column 5 line 49- column 6 line 31) and adjusting the filtering of the adjustment pixel (column 6 lines 32-35), and the steps of selecting an adjustment pixel and applying a filter (see column 5 line 4-column 7 line 21).

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5. Claims 2-5, 9-12, 32-35 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 21, 28, 40, 43 and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 29 and 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 15-20 and 22-27 appear allowable over prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (703) 305-4738. The examiner can normally be reached on Monday-Thursday from 9:30 AM to 7:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**Sherrie Hsia**  
**Primary Examiner**  
**Art Unit 2614**

SH  
August 12, 2002